

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

OMAR ADAMS MATA GONZALES,
Petitioner,

*

*

v.

CIVIL ACTION NO. DKC-08-2482

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MARYLAND CORRECTIONAL ADJUSTMENT
CENTER et al.,
Respondents

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MEMORANDUM

Petitioner is an inmate confined in the Northeast Ohio Correctional Center, a federal prison located in Youngstown, Ohio. He has filed the instant Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Upon review of the Petition, the court concludes that transfer of this Petition to the proper federal court located in Ohio is appropriate.¹

Petitioner alleges that he is entitled to a “2 for 1 credit for every day served” in the Maryland Correctional Adjustment Center, Charles County, Maryland Detention Center, and Northeast Ohio Correctional Center, due to the atypically severe conditions of confinement existing in each of those facilities. Paper No. 1. He admits that he has not exhausted his administrative remedies concerning his claims. He seeks to have the Federal Bureau of Prisons adjust his sentence. *Id.*

Regarding the scope and nature of the instant proceeding, the undersigned notes that subject matter jurisdiction of a § 2241 habeas corpus petition lies in the federal district court where Petitioner is incarcerated or in the federal district court where Petitioner's custodian is located. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 488-89 (1973). Petitioner is

¹Petitioner has not submitted a request to proceed in forma pauperis. Matters pertaining to such status shall be reserved and left to the discretion of the United States District Court for the Northern District of Ohio.

confined in Youngstown, Ohio, and his custodian, or the person who has the day-to-day responsibility for his custody, would be the warden at that Prison. Therefore, this court finds that jurisdiction of the instant action lies in Ohio, not in Maryland. Accordingly, the undersigned concludes that transfer of the instant case to the United States District Court for the Northern District of Ohio is appropriate.

A separate Order follows.

October 20, 2008

Date

/s/

DEBORAH K. CHASANOW
United States District Judge